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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1966.

No. 282.

THOMAS W. REED,
Appellant,

vs.

THE PEOPLE OF THE STATE OF ILLINOIS,
Appellee.

On Appeal from the Supreme Court of Illinois.

APPELLANT'S PETITION FOR REHEARING.

MORT A. SEGALL,
9 East University Avenue,
Champaign, Illinois,
Attorney for Appellant.

ST. LOUIS LAW PRINTING CO., INC., 415 N. Eighth Street. CEntral 1-4477.

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Comes now the Appellant and respectfully petitions the Court to grant a rehearing of this cause to note jurisdiction and confer plenary consideration on the questions presented. If the Court will do so, it should consider this case as the first constitutional challenge to Section 19 (1) of Chapter 38 of Illinois Revised Statutes. Appellant represents:

1. In view of the fact that this cause was not tried on the merits, an opinion of this court would assist the bench and the Bar of the State of Illinois to establish definite guidelines with respect to this section of the Criminal Code.

2. In addition to setting standards of conduct expected from the People of Illinois, the Appellant believes that Section 19 (1) is unconstitutional because it violates Amendments Five, Six and Fourteen of the Constitution of the United States, and Article 2, Section 2 and Section 9 of the Illinois Constitution.

3. The statute in question contains technical legal terms which would tend to confuse or hamper the ordinary individual because it refers to other statutes which are not within the purview of the abilities of the lay individual to ascertain with clarity.

4. Further, since this is a question of first impression, the People of the State of Illinois are entitled to a clarification of this section of the Criminal Code.

5. The Criminal Code of Illinois, enacted in 1961, is relatively new. This is a case of first impression in State of Illinois and Appellant prays that this Court grant a rehearing on the issues and render an opinion on the merits of this cause, as such a decision will preclude multitudes of appeals to this Court.

6. In **Miranda v. Arizona**, 384 U. S. 436, Chief Justice Warren, writing for the Court, noted that in confession cases there is presented "questions which go to the roots of our concepts of American criminal jurisprudence." Although there is no question in this case as to right of counsel, the same reasoning in that case is applicable here in that the Fifth, as well as the Sixth Amendment, requires effective safeguards for United States citizens. Appellant submits that it is necessary before concrete constitutional guidelines are set down that more aspects of the problem should be explored.

7. The rehearing on the issues and merits of the cause are required and standards of conduct must be set up consistent with **Baggett v. Bullitt**, 377 U. S. 360, 367.

8. As the Court has indicated by its decisions of **Escobedo v. Illinois**, 378 U. S. 478; **Escobedo v. Illinois**, 375 U. S. 902; **Miranda v. Arizona**, 384 U. S. 436, and **Johnson v. New Jersey**, 384 U. S. 719, many of the heretofore antiquated areas of criminal law are being re-examined in order that the Defendants in criminal cases be given that integrity and protection required by the Constitution.

CONCLUSION.

Failure of this Court to permit plenary consideration of the merits of this cause and failure to clarify the issues herein will preclude the Bar and the Bench of the State of Illinois and the People of Illinois from knowledge of substantial guidelines in formulating their conduct in reference to the statutory provision herein involved.

Respectfully submitted,

MORT A. SEGALL,
9 East University Avenue,
Champaign, Illinois,
Attorney for Appellant.

Certificate.

Mort A. Segall, counsel for the Appellant, does hereby certify that this Petition is presented in good faith and not for delay.

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November 4, 1966.